

SENATE—Thursday, April 5, 2001

The Senate met at 9:15 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Campbell Gillon, Georgetown Presbyterian Church, Washington, DC.

PRAYER

The guest Chaplain, Rev. Campbell Gillon, offered the following prayer:

Let us pray.

Almighty God, on this National Tartan Day we remember pointers of the past. Near 700 years ago William Wallace died crusading for freedom and on this very date 681 years ago, our Scots forebears declared independence from English overlords in the Declaration of Arbroath, made by a parliament gathered there. So we gather at the center of this great Nation of all nations, itself born in a comparable Declaration of Independence, recognizing the influence of distant words and the intricate weaving of faith, kin, and clan.

We bless Thee for a multifaceted heritage left by fellow Scots on this continent. From John Paul Jones, founder of the Navy; Gilbert Stuart, painter of George Washington; Andrew Carnegie, money-maker and giver; John Muir, environmentalist, creator of Yosemite National Park; Rev. James Blair, founder of William and Mary College, to Rev. John Witherspoon, signer of the Declaration of Independence. For such and more, we give thanks.

And yet, O God, we know that in Thy sight, human success is but a passing shadow and that righteousness alone exalts a nation. For goodness is not a kilt we put on, nor a legacy we inherit. It must be sought by each one from the heart—Thy kingdom, Thy righteousness first, and all else will then be added.

Lord, remind us of the far-reaching influence of a tiny country where literacy, that would enable all children to read Thy Word, was stressed from the time of John Knox. And from its pages, see that freedom can easily deteriorate into license; for where there is no spiritual vision, people perish. Grant to us all, O Lord, grace to realize daily that goodness and truth make us free to be our best and can help us to be living pointers for others to a nobler future. God bless the Senate in its deliberations. In Christ's name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 5, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. LOTT. Mr. President, today is the beginning of the Tartan Day weekend, a time to be celebrated nationwide in honor of the millions of Scottish-Americans and their contribution to our Nation. In 1998, the Senate passed Resolution 155 recognizing April 6 as National Tartan Day, the anniversary of the Declaration of Arbroath, signed on April 6, 1320. On that day, a group of Scots declared their independence and stated, "We fight not for glory, nor riches, nor honours, but only and alone we fight for freedom, which no good man surrenders, but with his life." Our own Declaration of Independence was impacted by the wording and spirit of this Declaration of Arbroath.

Today, we begin the Tartan Day celebrations with a special ceremony at 11 a.m. on the West Steps of the Capitol. The William Wallace award will be presented to the distinguished actor, film star, and benefactor, Sir Sean Connery.

In celebration of Tartan Day, it was a pleasure to have The Rev. Campbell Gillon as the guest Chaplain and give our opening prayer this morning. Mr. Gillon is a native Scot who has served as the pastor of the Georgetown Presbyterian Church for 20 years. Our own Chaplain, Dr. Lloyd Ogilvie, who also serves as president of the St. Andrews Society of Washington, is the organizer of the Tartan Day Celebration here at

the Capitol today. It's good to see both our Chaplain and the guest Chaplain in their tartan kilts. They are ready for a great day and weekend for the Scots. I'm proud of my own Scots heritage through the Watson clan and look forward to the ceremony this morning.

I will join our Chaplain and the guest Chaplain soon, as will my son and I am sure many other Senators of Scottish ancestry. This will be a great day, a great weekend for all Scots, both in America and in Scotland.

I want to make the Senate aware of the special occasion. Amongst all these amendments and this great debate of the budget resolution, I am sure the spirit of the Declaration of Arbroath will be felt throughout the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, today the Senate will immediately resume consideration of the budget resolution. There will be 10 minutes of debate on the Stabenow and Collins amendments with back-to-back votes to occur at 9:30. Following the votes, Senator CONRAD will be recognized to offer his amendment regarding debt reduction. As a reminder, first-degree amendments to the resolution must be filed by 2 p.m. today. Senators should expect another late session with votes into the night. Votes also will occur throughout the day tomorrow. I thank my colleagues for their attention.

Mr. REID. If the Senator will yield, Senator CONRAD has indicated to me his amendment will be offered by Senator DURBIN.

Ms. COLLINS. I thank the Senator for that clarification.

MEASURE PLACED ON THE CALENDAR—S. 700

Mr. LOTT. Mr. President, I understand there is a bill at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 700) to establish a Federal inter-agency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

Mr. LOTT. Mr. President, I object to further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001–2011

The ACTING PRESIDING pro tempore. Under the previous order, the Senate will now resume consideration of H. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

Pending:

Domenici amendment No. 170, in the nature of a substitute.

Motion to reconsider the vote by which Harkin amendment No. 185 (to amendment No. 170), listed above, was agreed to.

Collins amendment No. 190 (to amendment No. 170), to establish a reserve fund to eliminate further cuts in Medicare payments to home health agencies.

Stabenow/Johnson amendment No. 191 (to amendment No. 170), to eliminate further cuts in Medicare payments to home health agencies.

AMENDMENTS NOS. 190 AND 191

The ACTING PRESIDENT pro tempore. The Senate will now resume concurrent debate on the Collins amendment No. 190 and the Stabenow amendment No. 191 with the time to be equally divided. There will now be 10 minutes for explanation prior to votes on or in relation to the Collins amendment No. 190 and the Stabenow amendment No. 191.

Ms. COLLINS. Mr. President, I have offered an amendment that we will soon vote on that is intended to eliminate a further cut in Medicare reimbursements for home health agencies. The statistics tell the story. The combinations of cutbacks in Medicare payments and the onerous regulations imposed by the Clinton administration have cost some 900,000 Medicare patients—often our most frail and vulnerable senior citizens, as well as those citizens with considerable disabilities—to lose access to their home health care.

In Maine, more than 11,000 seniors and disabled citizens have lost their home health care services. Nationwide, 3,300 home health agencies have closed their doors or have stopped serving Medicare patients. And looming on the horizon is yet another 15-percent cutback in Medicare payments to home health agencies.

It is scheduled to go into effect on October 1 of next year. If it does go

into effect, it will have a devastating impact that will further jeopardize access to home health services for our senior citizens.

The cutbacks have already caused tragedies. I discussed last night an elderly woman with advanced Alzheimer's disease in the State of Maine who had a number of other problems, who lost access to her home health care services, and as a result died from an untreated infection in her foot.

Surely, one of the dedicated home health nurses would have been able to treat that infection before it got out of control. That is just typical of the problems being created by the cutbacks in home health care.

My amendment establishes a \$13.7 billion reserve fund that can be used only to restore Medicare payments to home health agencies. And it protects every dime of the Medicare HI trust fund.

By contrast, my colleague from Michigan has also offered an amendment that would take the money set aside for tax relief and place it in the Medicare budget account. Once there, the funds could be used for any purpose under the Medicare program. Under the amendment of my colleague, there is absolutely no guarantee whatsoever that the funds would be used for home health care. Indeed, there is no mention at all of home health care in the text of the amendment of my friend from Michigan.

In contrast, my amendment would bring us significantly closer to restoring Medicare home health payments. It sets aside \$13.7 billion for home health—and home health alone. It also provides a mechanism to move subsequent legislation to eliminate the scheduled 15-percent reduction without being subject to a budget point of order.

I want to make a point clear. Under either approach, subsequent legislation will be needed to repeal the 15-percent reduction. That is precisely the situation that the reserve fund is designed to address.

We have used this approach before. We set aside funds in a reserve account just last year for the cervical and breast cancer program, and subsequently passed authorizing legislation that, because of the reserve account, was passed last year.

Mr. President, I see that my colleague from Missouri, who has been a tremendous leader on this issue, is on the floor as well. I want to make sure I leave some time for him. Could the Presiding Officer inform me how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Ms. COLLINS. With that, let me yield my 1 minute. But let me make one point.

My amendment is endorsed by the National Association for Home Care

and the Visiting Nurses Association of America. Those are the two organizations representing home health care providers.

I yield the remainder of my time to the Senator from Missouri.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized for 40 seconds.

Mr. BOND. Mr. President, a very brief comment, necessarily, on the two amendments.

The Democrats claim the difference is that their amendment will guarantee that the money will go to home health care. Unfortunately, that is not the way the amendment is drawn. That is not what will happen. Basically, the Democratic amendment simply says: You may spend more on Medicare, not necessarily on home health. The only thing it truly does is cut the money available for tax cuts. That leaves more money for spending in any area.

The Collins-Bond amendment sets aside a reserve fund specifically for home health. It cannot be used for anything else.

I urge my colleagues to support the Collins amendment and to oppose the Democratic amendment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. STABENOW addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. Good morning.

We have in front of us two approaches to addressing home health care needs and stopping the 15-percent cut that is scheduled to go into effect in October of 2002. I applaud my colleague from Maine for her commitment to this issue. I share that commitment, having worked very closely for 4 years in the House of Representatives with the agencies and associations involved in home health care.

I know we share a deep concern about the fact that there has been a 24-percent cut in patient care in home health care settings as a result of the Balanced Budget Act. I consider that an unintended consequence. I do not believe that it was intended that we see a 30-percent reduction in the number of agencies that serve Medicare patients. And as a result of that, we have seen this 15-percent cut delayed on three different occasions.

Today is the opportunity for us to send a strong message to the patients and families who rely on home health care, and the home health care agencies that do such a wonderful job, and say that, in fact, this cut will not take effect and they can proceed in providing quality care for our families.

The difference in the approach is that my colleague provides for a proposal that says "if." And I will read this: "subject to the condition that such legislation will not, when taken together